



October 14, 1999

Mr. Jay Garrett
City Attorney
City of Greenville
P.O. Box 1049
Greenville, Texas 75403-1049

OR99-2927

Dear Mr. Garrett:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128854.

The City of Greenville received a request for “the names and addresses of the parties responsible for the damages to the vehicle” in a police report. You assert that section 552.103 of the Government Code excepts from disclosure the requested information. You have submitted a city police report as responsive to the request.

Section 552.103(a) of the Government Code reads as follows:

(a) Information is excepted from [required public disclosure] if it is information:

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person’s office or employment, is or may be a party; and

(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

A governmental body has the burden of providing relevant facts and documents to show the applicability of an exception in a particular situation. The test for establishing that section 552.103(a) applies is a two-prong showing that (1) litigation is pending or reasonably

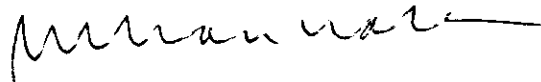
anticipated, and (2) the information at issue is related to that litigation. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.--Austin, 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 588 (1991). In this instance, you have made the requisite showing that the submitted information relates to litigation for purposes of section 552.103(a). In our opinion, however, the specific information requested -- "the names and addresses of the persons responsible for the damage to the vehicle" -- is not protected by section 552.103.

Houston Chronicle Publishing Company v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976) delineated the kinds of information which were not protected by the predecessor to section 552.108, the law enforcement exception. See also Gov't Code § 552.108(c), Open Records Decision No. 127 (1976). Such "basic information" includes the names and addresses of arrestees. The information you submitted indicates that the individuals whose names and addresses are sought in the request were arrested in connection with the incident to which the request relates.

Without a particularized showing, which you have not made here, section 552.103 does not protect such "basic information" either. See Open Records Decision No. 597 (1991). Therefore, you must release the names and addresses responsive to the request.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 128854

Encl. Submitted documents

cc: Mr. Rodney Sermons
CNA
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(w/o enclosures)